

UTAH SCENIC BYWAY AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: Christopher N. Herrod

LONG TITLE

General Description:

This bill modifies the Designation of State Highways Act by amending provisions relating to scenic byway designations.

Highlighted Provisions:

This bill:

- ▶ defines corridor management plan;
- ▶ requires the Legislature to approve the corridor management plan that will be submitted with the application for a highway to be nominated for designation as a National Scenic Byway or All-American Road;
- ▶ provides that the Legislature may:
 - approve the corridor management plan;
 - approve the corridor management plan with conditions specified by the Legislature; or
 - deny the corridor management plan;
- ▶ provides that upon a decision by the Legislature, the nominating entity is not required to move forward with the nomination for the National Scenic Byway or All-American Road designation; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-4-301, as last amended by Laws of Utah 2009, Chapter 393

72-4-301.5, as enacted by Laws of Utah 2009, Chapter 393

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **72-4-301** is amended to read:

72-4-301. Definitions.

As used in this part:

(1) "Committee" means the Utah State Scenic Byway Committee created in Section 72-4-302.

(2) "Corridor management plan" means a written document:

(a) required to be submitted for a highway to be nominated as a National Scenic Byway or All-American Road that specifies the actions, procedures, controls, operational practices, and administrative strategies to maintain the scenic, historic, recreational, cultural, archeological, and natural qualities of a scenic byway; and

(b) adopted by each municipality or county affected by the corridor management plan.

~~[(2)]~~ (3) "Non-scenic area" means:

(a) any property that is unzoned or zoned for commercial or industrial use adjoining a highway that does not contain at least one of the intrinsic qualities described in Subsection 72-4-303(1)(b) immediately upon the property; or

(b) any property that is unzoned or zoned for commercial or industrial use that contains an intrinsic quality described in Subsection 72-4-303(1)(b) immediately upon the property but the intrinsic quality does not represent the primary use of the property.

~~[(3)]~~ (4) "Segmentation" means:

(a) removing the scenic byway designation from a portion of an existing scenic byway that adjoins a non-scenic area; or

(b) excluding a portion of a highway from a scenic byway designation where the

highway adjoins a non-scenic area.

Section 2. Section **72-4-301.5** is amended to read:

72-4-301.5. Designation of highways as a National Scenic Byway or

All-American Road -- Legislative approval.

(1) Except as provided in Section 72-4-304, a highway or state scenic byway may not be nominated for designation as a National Scenic Byway or All-American Road unless the [nomination] corridor management plan that will be submitted with the application for the highway or state scenic byway to be nominated for designation as a National Scenic Byway or All-American Road is approved by the Legislature.

(2) (a) In accordance with Subsection (1), the Legislature may:

(i) approve the corridor management plan;

(ii) approve the corridor management plan with conditions specified by the Legislature; or

(iii) deny the corridor management plan.

(b) Upon a decision by the Legislature under Subsection (2)(a), the nominating entity is not required to move forward with the nomination for the National Scenic Byway or All-American Road designation.